

10/550517

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 25 U.S.C. 371

To: Mail Stop PCT
Hon. Commissioner of Patents
P.O. Box 1450, Alexandria, VA 22313-1450

JC20 Rec'd PCT/PTO 23 SEP 2005

| | | | | | |
|---|--|--|----------|--------------------------------|---------------|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. § 371 | | | | Atty. Dkt.: 2665-0002 | |
| From: Davidson Berquist Jackson & Gowdey, LLP: | | | | Date: September 23, 2005 | |
| This is a REQUEST for FILING a PCT/USA National Phase Application based on: | | | | | |
| International Application | | International Filing Date | | Earliest Priority Date Claimed | |
| PCT/DE2004/000332 | | 19 | February | 2004 | 24 March 2003 |
| | | DAY | MONTH | YEAR | |
| Title of Invention: | | HOLDING DEVICE FOR CONNECTING A GAS MASK TO A PROTECTIVE HELMET | | | |
| Applicants for DO/EO/US [Inventor(s)]: | | SCHMIDTKE, Klaus; SEVE, Tanguy; FITOUSSI, Phillippe; HOFFMANN, Wilfried | | | |

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371
3. ☒ Please immediately start National Examination procedures (35 U.S.C. 371(f)) [**must** include items 4, 5, 8, 23]
4. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is transmitted herewith (only if not transmitted to PTO by the International Bureau) including:
 - (1) ☐ Request (3) pages of Specification and Claims.
 - (2) ☐ Abstract (4) sheet(s) of Drawings.
 - b. ☒ has been communicated by the International Bureau
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
5. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith including:
 - (1) ☐ Request (3) 9 pages of Specification and Claims.
 - (2) ☒ Abstract (4) 2 sheet(s) of Drawings.
 - (5) ☒ Translation verification attached (not required now).
 - b. ☐ is not required, as the application was filed in English.
 - c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice.
 - d. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).

| | | |
|---|---|-----------------------------------|
| U.S. APPLICATION NO. (if known) 10/550517 | INTERNATIONAL APPLICATION NO. PCT/DE2004/000332 | ATTORNEYS DOCKET NO. 2665-0002 |
|---|---|-----------------------------------|

6. ☒ **Amendments to the claims of the International Application under PCT Article 19**
- a. ☐ are transmitted herewith (required only if not communicated by the International Bureau)
- b. ☐ have been communicated by the International Bureau
- c. ☐ have not been made; however, the time limit for making such amendments has not expired.
- d. ☒ have not been made and will not be made.
7. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
8. ☒ **An Oath or Declaration of the Inventor(s)** (35 U.S.C. 371 (c)(4))
9. **An International Search Report (ISR):**
- a. Was prepared by ☒ EPO ☐ JPO ☐ USPTO ☐ Other
- b. ☒ has been communicated by the International Bureau to the USPTO.
- c. ☒ copy herewith (4 sheet(s)) ☐ plus Annex of family members (page(s)).
10. **An International Preliminary Examination Report (IPER)**
- a. ☐ has been transmitted in English by the International Bureau with Annexes (if any) in original language.
- b. ☐ copy herewith in English
11. ☐ English language translation of Annex(es) to IPER
12. **Information Disclosure Statement** including:
- a. ☒ Attached Form(s) PTO-1449 listing documents.
- b. ☒ Attached copies of documents listed on Form PTO-1449
- c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
13. ☐ **Assignment** document and Recordation Cover Sheet for recording. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
14. ☒ **An Application Data Sheet under 37 CFR 1.76**
15. **Small Entity Status** ☒ is NOT claimed ☐ is claimed
16. ☐ A Preliminary Amendment
17. ☐ A Substitute Specification
18. ☐ A Power of Attorney and/or change of address letter
19. ☐ A second copy of the published International Application under 35 USC 154(d)(4)
20. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)

| | | |
|---|--|--|
| U.S. APPLICATION NO. (if known) 10/350317 | INTERNATIONAL APPLICATION NO. 1020 DE 103 14 136 | ATTORNEYS DOCKET NO. 23 SEP 2005 |
| | PCT/DE2004/000332 | 2665-0002 |

21. ☒ Other items or information:
- IPER-PCT/IPEA/409 (February 15, 2005) in German
 - Forms: PCT/IB/301, PCT/IB/308, PCT/IB/304, PCT/IB/332

22. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International Stage based on the filing in (country) Germany of:

| | Application No. | Filing Date (mm/dd/yyyy) | | Application No. | Filing Date (mm/dd/yyyy) |
|-----|-----------------|--------------------------|-----|-----------------|--------------------------|
| (1) | DE 103 14 136 | 03/24/2003 | (2) | | |
| (3) | | | (4) | | |

- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
- b. ☒ Copy of Form PCT/IB/304 attached.
23. ☒ **PLEASE AMEND** the specification before its first line by inserting as a separate paragraph:
- a. ☒ This application is the National Phase of International Application PCT/DE2004/000332 filed 02/19/2004 which designated the U.S. and that International Application ☐ was ☒ was not published under PCT Article 21 (2) in English.
- b. ☐ This application also claims benefit of U.S. Provisional Application No. 60/ , filed

Fee calculation on next page

| | | |
|---|-------------------------------|----------------------|
| U.S. APPLICATION NO. (if known) 10/550517 | INTERNATIONAL APPLICATION NO. | ATTORNEYS DOCKET NO. |
| | PCT/DE2004/000332 | 2665-0002 |

The following fees have been submitted (if two amounts, lesser is for small entity [see box 19])

| | | | | | | |
|-----|--|-------------------------|---------------------|--|-----------------|-------|
| 24. | <input checked="" type="checkbox"/> Basic National fee | | | | \$300/\$150 | \$300 |
| 25. | <input checked="" type="checkbox"/> Examination fee --If written opinion prepared by ISA/US or IPER prepared by IPEA/US indicates that all claims satisfy PCT Art. 33(1)-(4) then \$0, otherwise | | | | \$200/\$100 | \$200 |
| 26. | <input checked="" type="checkbox"/> Search Fee | | | | | |
| | <input type="checkbox"/> If written opinion prepared by ISA/US or IPER prepared by IPEA/US indicates that all claims satisfy PCT Art. 33(1)-(4) then | | | | \$0 | |
| | <input type="checkbox"/> Search fee has been paid in the international application to the USPTO as an international Searching Authority | | | | \$100/\$50 | |
| | <input checked="" type="checkbox"/> International Search Report prepared by an ISA other than US and provided to the PTO herewith or previously communicated to the US by the IB | | | | \$400/\$200 | \$400 |
| | <input type="checkbox"/> All other situations | | | | \$500/\$250 | |
| 27. | <input type="checkbox"/> If <u>any proper</u> multiple dependent claim (ignore improper) is present, add: | | | | \$360 / \$180 | \$0 |
| 28. | Total Claims | 7 | Minus 20 = | 0 | X \$50 / \$25 | \$0 |
| 29. | Indep. Claims | 1 | Minus 3 = | 0 | X \$200 / \$100 | \$0 |
| 30. | <input type="checkbox"/> Application Size Fee (If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).) | | | | | |
| | Total Sheets | Minus 100 sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | | |
| 31. | - 100 sheets | | 0 | | x \$250 / \$150 | \$0 |
| 32. | Total Filing Fee Enclosed | | | | | \$900 |
| 33. | Processing fee of \$130 for furnishing English translation later than 30 months from earliest priority date | | | | | \$ |
| 34. | If "assignment" box 13 is X'd, add recording fees (\$40 per assignment) | | | | | \$ |
| 35. | <input type="checkbox"/> Attached is a Petition/Fee under Rule No. | | | | | \$ |
| 36. | TOTAL FEES | | | | | \$900 |

| U.S. APPLICATION NO. (if known) | INTERNATIONAL APPLICATION NO. | ATTORNEYS DOCKET NO. |
|---------------------------------|-------------------------------|----------------------|
| 10/550517 | PCT/DE2004/000332 | 2665-0002 |

37. ☒ Attached is a check to cover the total fees listed at line 36.

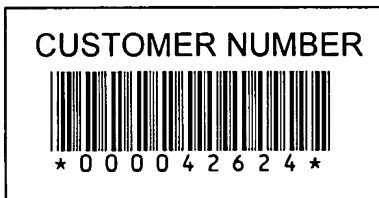
38. ☐ Please charge the total fee (listed at line 36) to our deposit account below under the stated order no.: _____

Our Deposit Account No.: 501860.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.


This Charge Statement does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

39. **Correspondence Address:** Send all correspondence to the address associated with customer number **42624**.



Respectfully submitted,

By:


Brian Siritzky
 Registration No.: 37,497

Davidson Berquist Jackson & Gowdey LLP
 Phone: 703.894.6400
 Fax: 703.894.6430

10/550517

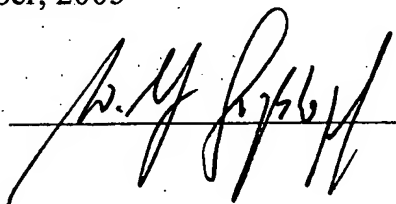
JC20 Rec'd PCT/PTO 23 SEP 2005

TRANSLATOR'S CERTIFICATE OF VERIFICATION

I, Dr. Wolf Grosskopf, resident at 8449 Aura Avenue, Northridge, CA 91324, a professional interpreter and translator, do hereby certify that I am well acquainted with the English and German languages and that to the best of my knowledge and belief the attached is a true translation into the English language of PCT application PCT/DE2004/000332.

Dated this 12th day of September, 2005

Signature of translator:

A handwritten signature in black ink, appearing to read 'W. Grosskopf', written over a horizontal line.